

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL PAUL TOPOLL IV,

Defendant.

CR-8-15-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 9, 2023. (Doc. 84.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 8, 2023. (Doc. 82.) The United States accused Michael Topoll, (Topoll) of violating his conditions of

supervised release 1) by failing to successfully complete is sex offender treatment program on two separate occasions and 2) by failing to provide a truthful response to an inquiry by his probation officer. (Doc. 81.)

At the revocation hearing, Topoll admitted to having violated the conditions of his supervised release 1) by failing to successfully complete is sex offender treatment program on two separate occasions and 2) by failing to provide a truthful response to an inquiry by his probation officer. (Doc. 82.) Judge Johnston found that the violations Topoll admitted prove serious and warrant revocation of his supervised release and recommends a sentence of 1 month, with a lifetime of supervised release to follow. Topoll should self-report to the Cascade County Detention Center on or before 12:00 p.m. (noon) on August 11, 2023. (Doc. 84.) Topoll was advised appeal rights and his right to allocute before the undersigned. (Doc. 82.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 84) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Michael Paul Topoll, IV be sentenced to the Bureau of Prison for 1 month with a lifetime of supervised release to follow. Topoll will self-report to the Cascade County Detention Center on or before 12:00 p.m. (noon) on August 11, 2023.

DATED this 24th day of August, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court